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11 Attorneys for USACM Liquidating Trust

12 **UNITED STATES BANKRUPTCY COURT**
13 **DISTRICT OF NEVADA**

14 In re:

15 USA COMMERCIAL MORTGAGE
16 COMPANY,

17 USA CAPITAL REALTY ADVISORS,
18 LLC,¹

19 USA CAPITAL DIVERSIFIED TRUST
20 DEED FUND, LLC,

21 USA CAPITAL FIRST TRUST DEED
22 FUND, LLC,²

23 USA SECURITIES, LLC,³ Debtors.
24

25 **Affects:**

26 All Debtors
 USA Commercial Mortgage Company
 USA Capital Realty Advisors, LLC
 USA Capital Diversified Trust Deed Fund, LLC
 USA Capital First Trust Deed Fund, LLC
 USA Securities, LLC

Case No. BK-S-06-10725-LBR¹
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR²
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725 LBR

**NOTICE OF HEARING REGARDING
EIGHTEENTH OMNIBUS OBJECTION
OF USACM TRUST TO PROOFS OF
CLAIM BASED UPON
INVESTMENT IN THE BAY
POMPANO BEACH LOAN**

Date of Hearing: October 5, 2009
Time of Hearing: 9:30 a.m.

21 **THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM**
22 **THAT YOU FILED. THE USACM TRUST SEEKS TO DISALLOW YOUR**
23 **CLAIM TO THE EXTENT IT IS BASED UPON INVESTMENT IN THE BAY**

24
25 ¹ This bankruptcy case was closed on September 23, 2008.

26 ² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 **POMPANO BEACH LOAN. THIS OBJECTION WILL NOT IMPACT YOUR**
2 **CLAIM TO THE EXTENT IT IS BASED UPON AN INVESTMENT IN A**
3 **DIFFERENT LOAN.**

4 **PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY**
5 **COURT TO DISCUSS THE MERITS OF YOUR CLAIM.** QUESTIONS
6 REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM
7 SHOULD BE DIRECTED TO BRANT FYLLING OF SIERRA CONSULTING
8 GROUP, LLC (602) 424-7009) OR THE UNDERSIGNED COUNSEL.

9 **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust has filed its
10 Eighteenth Omnibus Objection to Proofs of Claim Based Upon Investment in the Bay
11 Pompano Beach Loan (the “Objection”). Your Proof of Claim number and other
12 information regarding your claim is provided in **Exhibit A**, attached. The USACM
13 Liquidating Trust has requested that this Court enter an order, pursuant to Bankruptcy
14 Code § 502 and Bankruptcy Rule 3007, disallowing your Proof of Claim to the extent it is
15 based upon investment in the Bay Pompano Beach Loan. The Objection will not impact
16 your Claim to the extent it is based upon an investment in a different loan.

17 **NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held
18 before the Honorable Linda B. Riegle, United States Bankruptcy Judge, in the Foley
19 Federal Building, 300 Las Vegas Boulevard South, Courtroom 1, Las Vegas, Nevada, on
20 **October 5, 2009, at the hour of 9:30 a.m.**

21 **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON OCTOBER**
22 **5, 2009, WILL BE HELD FOR THE PURPOSE OF STATUS CHECKS AND**
23 **SCHEDULING EVIDENTIARY HEARINGS ONLY. NO ARGUMENTS WILL BE**
24 **HEARD ON THAT DATE.**

25 **NOTICE IS FURTHER GIVEN** that any response to the Objection must be filed
26 by September 28, 2009 pursuant to Local Rule 3007(b), which states:

If an objection to a claim is opposed, a written response must be filed and served on the objecting party at least 5 business days before the scheduled hearing. A response is deemed sufficient if it states that written documentation in support of the proof of claim has already been provided to the objecting party and that the documentation will be provided at any evidentiary hearing or trial on the matter.

If you object to the relief requested, you *must* file a **WRITTEN** response to this pleading with the Court. You *must* also serve your written response on the person who sent you this notice.

If you do not file a written response with the Court, or if you do not serve your written response on the person who sent you this notice, then:

- The Court may *refuse to allow you to speak* at the scheduled hearing; and
- The Court may *rule against you* and sustain the objection without formally calling the matter at the hearing.

Dated: September 4, 2009.

LEWIS AND ROCA LLP

By /s/ Marvin Ruth (#10979)
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Attorneys for the USACM Liquidating Trust

Copy of the foregoing and pertinent portion of Exhibit A mailed by first class postage prepaid U.S. Mail on September 4, 2009 to:

Parties listed on Exhibit A attached.

LEWIS AND ROCA LLP

/s/ Carrie Lawrence
Carrie Lawrence